

**RESOLUTION DETERMINING THE STATUS
OF SCHOOL BOARD MEMBERS FOR PURPOSES OF
THE MINNESOTA GOVERNMENT DATA PRACTICES ACT**

WHEREAS, the Minnesota Court of Appeals and the Minnesota Department of Administration have held that the classification of data on elected officials depends upon whether the entity considers its elected officials to be employees for purposes of the Minnesota Government Data Practices Act (“MGDPA”);

WHEREAS, most data on individual “employees” of a school district are classified as personnel data pursuant to the MGDPA and, specifically, Minnesota Statutes section 13.43;

WHEREAS, the School Board has weighed various political, educational, and public accountability considerations in deciding whether its members should be considered to be employees for purposes of the MGDPA; and

WHEREAS, the School Board has determined that the public interest in transparency outweighs any competing privacy interest that individual Board members may have in regard to most data that the District maintains about individual Board members;

NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 709, Duluth, as follows:

1. Members of the School Board are not employees for purposes of the MGDPA, Minnesota Statutes chapter 13. Accordingly, data that the District maintains on School Board members are not subject to Minnesota Statutes section 13.43.
2. This Resolution does not impact the determination of whether School Board members are employees for purposes of other laws, including, but not limited to, any federal or state tax laws.
3. This Resolution does not alter the classification of protected data on elected officials, such as social security numbers, health data, or medical data, which are not subject to disclosure.